

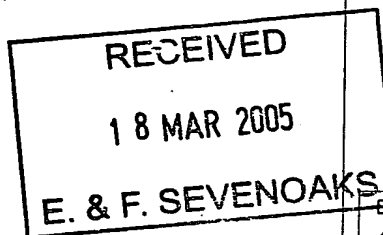
PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing (day/month/year) 15.03.2005	
Applicant's or agent's file reference JAG20618WO	REPLY DUE within 2 month(s) from the above date of mailing
International application No. PCT/GB2004/002483	International filing date (day/month/year) 15.06.2004
Priority date (day/month/year) 17.06.2003	
International Patent Classification (IPC) or both national classification and IPC F01C3/02, F01C21/16, F01C1/08	
Applicant SEE, Richard	

1. ☒ The written opinion established by the International Searching Authority:
 ☒ is ☐ is not
 considered to be a written opinion of the International Preliminary Examining Authority

2. This second report contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
 For an informal communication with the examiner, see Rule 66.6.
 For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 17.10.2005

Name and mailing address of the international preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Lequeux, F Telephone No. +31 70 340-4664
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WRITTEN OPINION OF THE INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY

International application No.
PCT/GB2004/002483

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this opinion is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed")*:

Description, Pages

1-24 as originally filed

Claims, Numbers

1-24 received on 11.01.2005 with letter of 16.11.2004

Drawings, Sheets

1/24-24/24 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:
 4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:

**WRITTEN OPINION OF THE INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY**

International application No.
PCT/GB2004/002483

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	8,17,18
	No: Claims	1-7,9-16,19-24
Inventive step (IS)	Yes: Claims	8,17,18
	No: Claims	1-7,9-16,19-24
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

2. Citations and explanations:

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item I

Applicable documents

Description and figures as originally filed

Claims 1-24 as filed with fax of 16/11/2004 and confirmation letter received on 11/01/2005

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1-D4: see the written opinion established by the International Searching Authority

D5: GB653185 (cited in the original application)

D6: US4013046 (cited in the original application)

1 INDEPENDENT CLAIM 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. The reasons therefore are the following:

Document D1 discloses (the references in parenthesis applying to this document) a rotary piston device (fig 1; page 2, lines 18-33) with a first rotary element (13, 13a) rotating within a casing (27, 27a) about a first axis and with two second rotary elements (25, 25a) projecting through a slot (see fig 1 and 12) into the casing and a number of projections (lobes of the gears 25 and 25a) of the second elements cooperating with the first element in order to define various working portions around the first element during the rotation of the second elements about their respective second axes, with at least one working portion (the middle portion of the rotary element 13-13a also comprising the combustion chamber) being a closed volume defined at opposite ends by two second rotation elements (25 and 25a) and wherein the projections of each second rotation element have a varying radius (lobes).

Documents D2 (fig1, 2 and 19), D5 (fig 4,5,10,11,14) and D6 (fig 50-58) also disclose a rotary device with all the features of claim 1.

Hence the subject-matter of claim 1 is not new (Art 33(2) PCT).

2 DEPENDENT CLAIMS 2-7, 9-16, 19-24

Dependent claims 2-7, 9-16, 19-24 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT) as the features that they disclose are already present as such in a single document from the prior art or in a combination of these documents (see D1-D6).

3 DEPENDENT CLAIMS 8, 17 or 18

The combination of the features of dependent claims 8 or 17 or 18 doesn't seem to be neither known from, nor rendered obvious by, the available prior art.

Re Item VII Certain remarks about the international application

- a. Independent claim is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- b. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- c. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.
- d. While amending the claims, the applicant should also indicate clearly in the amended description, and in its accompanying letter, what are the differences in terms of technical features with the prior art documents and which problem is solved by these

**WRITTEN OPINION OF THE INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY
(SEPARATE SHEET)**

International application No.

PCT/GB2004/002483

particular features. The applicant should take care not to introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT and should therefore also clearly indicate in the accompanying letter the passages of the original application that serve as a basis for the amendments.